



Appeal Decision

Site visit made on 21 November 2023 by Ifeanyi Chukwujekwu BSc MSc MRTPI
MIEMA CEnv

Decision by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th April 2024

Appeal Ref: APP/A4710/D/23/3328236

Brook House Stables, Lane Head Lane, Ogden, Halifax, Calderdale HX2 8XN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr David Pratt against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref 22/01304/HSE, dated 29 November 2022, was refused by notice dated 9 June 2023.
 - The development proposed is addition of new first floor to existing bungalow, erection of new detached garage, and installation of new vehicular and pedestrian access gates.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The site is located within the Green Belt. The main issues are therefore as follows:
 - a) Whether the development would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the 'Framework') and development plan policy;
 - b) the effect of the development on openness of the Green Belt,
 - c) the effect of the development on the character and appearance of the surrounding area, and
 - d) if the development is inappropriate, is the harm by reason of inappropriateness, and any other harm, clearly outweighed by other considerations. If so, does this amount to the very special circumstances required to justify the development.

Reasons for the Recommendation

Whether the Proposal Would Amount to Inappropriate Development

4. Paragraph 142 of the Framework outlines the fundamental aim of Green Belt policy which is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. The Framework, at paragraphs 154 and 155, set out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain conditions.
5. Paragraph 154c) sets out that new buildings within the Green Belt are inappropriate unless any extension or alteration of a building is such that it does not result in disproportionate additions over and above the size of the original building. In this context, original building means the dwelling as originally built or as the building existed on 1 July 1948 (whichever is the later).
6. The planning history detailed in the planning officer's report suggest that the appeal property which was a former garage serving the adjacent dwelling Brook House Grange has been extended via a previous scheme. On this basis, I consider that the existing building is not the original building. As such, the previous extension needs to be taken into account when considering whether the current proposal would be a disproportionate addition.
7. In addition to the above, I have given due regard to the judgements in *Sevenoaks District Council v SSE and Dawe* [1997] and *Warwick DC v SSLHC* [2022] EWHC 2145 (Admin) in which the courts found that a detached building could be considered to be an extension for the purposes of paragraph 154c). With those decisions in mind, I am satisfied that the proposed new detached garage can be considered to be an extension to the building. This is due to its proximity to the host property, the size and design of the proposal and its ancillary function to the dwelling.
8. The Framework does not define what would be classed as a disproportionate addition, but the overall size of the building (either in terms of footprint, floorspace or volume) are clearly important factors.
9. The Council have presented calculations which suggest that the existing extension already amounts to an approximate 75 percent increase in volume. The appellant does not dispute this. The current proposal would result in an increase of around 246 cubic metres with the double garage contributing an additional volume of 193 cubic metres. In total, the cumulative increase in volume would be approximately 241 percent.
10. I acknowledge that the appellant sets out that the building has not been extended since it was given residential status in 2021. Be that may, even if the extension completed prior to that date was discounted, the overall size of the proposal would still be significant, in that it would still result in a large percentage increase in volume as well as floor area which would be more than double than which exists today when the garage space is taken into account.
11. I therefore find that the size of the proposal, in combination with the previously built extension, would represent a disproportionate addition over and above the original building.

12. To that end, the proposal would not accord with the exemption outlined at paragraph 154c). Consequently, the proposal would be inappropriate development in the Green Belt as it would not accord with any of the exemptions outlined at paragraphs 154 or 155 of the Framework. It would also be contrary to Policy GB1 of the Replacement Calderdale Unitary Development Plan (2006) (as amended 3 August 2009) (the LP).

Openness of the Green Belt

13. Openness is identified in the Framework as one of the Green Belt's essential characteristics. It has been identified as being formed of a spatial aspect as well as a visual aspect. As I have found above, the proposal would result in an increase in the size of the dwelling when compared to the original building. Given that the size of the resultant dwelling would be larger than the existing (and original) it would inevitably have an adverse impact on the openness of the Green Belt as a result of its greater size and bulk.
14. The site is located on a hilly, open landscape and can be viewed from vantage points across long distances in the surrounding area. Furthermore, the proposed garage would result in a further building which is presently a gravel parking area. In creating a building on land where there is currently none, the spatial openness of the Green Belt would be manifestly reduced.
15. Taken as a whole, the increase in built form would have a much greater effect on the spatial and visual openness of the Green Belt, when compared to the existing development at the site.
16. In conclusion, the proposal would lead to a loss of Green Belt openness and would impact on the Green Belt purpose of safeguarding the countryside from encroachment contrary to the Framework. It would also conflict with Policy GB1 of the LP in this regard.

Character and appearance

17. Lane Head Lane is characterised by a mix of two-storey detached dwellings and large bungalows with rooms within the roof space which are built with stone material. Some of these, including those adjacent to the appeal site, have large detached garages and also feature roof lights in the roof. Thus, these features are not alien, and contribute to the character of the surrounding area.
18. The proposed new first floor would be constructed from stone with a slate roof to match the existing dwelling. Whilst the proposal would have a steeper pitch than some other properties in the area, I consider that this is not a significant difference which would be harmful to the character and appearance of the surrounding area. This is particularly the case as there are varied designs in the vicinity.
19. In respect of the amount of rooflights, the proposal does include a number of these on both roofslopes. However, whilst these may seem excessive in number, I am of the view that the overall visual appearance of these would not give rise to any significant harm to the overall character and appearance of the host property or the wider area.
20. For these reasons I find that the proposed development would not be harmful to the character and appearance of the surrounding area and would accord with Policy BT1 of the LP which amongst other matters seeks to ensure that new

developments are high quality which respect and enhance the character and appearance of existing buildings and their surroundings.

Green Belt Balance

21. Paragraph 152 of the Framework identifies that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight must be attached to any harm to the Green Belt and very special circumstances will not exist unless that harm, and any other harm, are clearly outweighed by other considerations.
22. I have concluded that the proposal would be inappropriate development in the Green Belt and that it would also have some harm to the openness of the Green Belt, and I attach substantial weight to this harm.
23. The proposal would no doubt have some benefits to the occupiers of the property in providing additional living accommodation. However, I attach limited positive weight to this in the overall balance. Any other consideration with regard to economic benefit to local trade I also attach limited weight.
24. Therefore, in considering the substantial weight given to the Green Belt, I am of the view that the very special circumstances necessary to justify the development do not exist and the proposal would conflict with the Framework, and Policy GB1 of the LP.

Conclusion and Recommendation

25. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Ifeanyi Chukwujekwu

APPEALS PLANNING OFFICER

Inspector's Decision

26. I have considered all the submitted evidence, and my representative's report, and on that basis the appeal is dismissed.

Chris Forrett

INSPECTOR